

Remarks and Arguments

Claims 1 and 6-14 were allowed.

Claim 5 was held allowable if rewritten in independent form. Applicant has amended claim 5 to independent form.

Claim 2 was rejected under §103(a) as obvious over newly cited Miyazaki U.S. Patent 6,279,794. Applicant respectfully traverses the Examiner's assertion that Miyazaki discloses "a smaller lower flange at 8 as shown in Figure 1 and 4."

Miyasaki does not disclose "a smaller lower flange at 8." In contrast, Miyasaki discloses a "step 8 of the neck portion 2" (column 4, lines 51-52). Miyasaki's step cannot be equated with Applicant's claimed lower flange. To make this clear, Applicant's amended claim 2 recites "an upper flange and a lower flange, each flange having an undersurface,...." Miyasaki's step does not have an undersurface. Thus, Miyasaki's step is not the same structure and cannot perform the same function as Applicant's claimed lower flange. For example, there is no undersurface on Miyasaki's step 8 beneath which tabs 62 of a bale handle 14 can be disposed or captured (see Applicant's specification at page 5, last paragraph to page 6, first paragraph). Thus, Miyasaki fails to teach or suggest Applicant's claimed article as set forth in claim 2.

Claims 4 and 15 were rejected under §103(a) as unpatentable over the combination of Krishnakumar U.S. Patent 5,637,167 in view of Borg U.S. Patent 6,394,517. Without conceding the obviousness of the combination, claim 4 has been cancelled. Claim 15 has been amended to depend from (previously allowed) claim 1.

Claim 15 was rejected under §112, second paragraph, as indefinite in that the tabs and handle set forth in claim 15 were double inclusions of those set forth in claim 4. In view of Applicant's amendment of claim 15 to depend from claim 1, Applicant believes this objection has been overcome.

Claims 4 and 15 were further rejected under §102(b) as anticipated by Yu-Hsien U.S. 2002/0084240 A1. As previously noted, claim 4 has been cancelled and claim 15 has been amended to depend from (previously allowed) claim 1.

Claim 3 was rejected to as being a substantial duplicate of claim 14. Claim 13 has been amended to include the "undersurface" of the lower flange; claim 3 depends

on claim 2 which has also been amended. Thus, the objection to claim 3 as being a duplicate of claim 14 is believed to be overcome.

RECONSIDERATION

It is believed that all claims of the present application are now in condition for allowance.

Reconsideration of this application is respectfully requested. If the Examiner believes that a teleconference would expedite prosecution of the present application the Examiner is invited to call the Applicant's undersigned attorney at the Examiner's earliest convenience.

Any amendments or cancellation or submissions with respect to the claims herein is made without prejudice and is not an admission that said canceled or amended or otherwise affected subject matter is not patentable. Applicant reserves the right to pursue canceled or amended subject matter in one or more continuation, divisional or continuation-in-part applications.

To the extent that Applicant has not addressed one or more assertions of the Examiner because the foregoing response is sufficient, this is not an admission by Applicant as to the accuracy of such assertions.

Please grant any extensions of time required to enter this response and charge any fees in addition to fees submitted herewith that may be required to enter/allow this response and any accompanying papers to our deposit account 02-3038 and credit any overpayments thereto.

Respectfully submitted,



Date: Feb 10, 2006

Therese A. Hendricks, Esq., Reg. No. 30,389
KUDIRKA & JOBSE, LLP
Customer Number 021127
Tel: (617) 367-4600 Fax: (617) 367-4656